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Ryoji Hayashi

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EXAMINER

GEBREMICHAEL, BRUK A

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3715

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,305	<b>Applicant(s)</b> HAYASHI, RYOJI	
	<b>Examiner</b> BRUK A. GEBREMICHAEL	<b>Art Unit</b> 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12-16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-16 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following office action is a **Final Office Action** in response to communications received on 02/01/2010. Claims 1, 9-10, 12-14 and 20 have been amended. Claims 4, 11 and 17-19 have been canceled. Thus, claims 1- 3, 5-10, 12-16 and 20 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- Claims 1-3, 5-9, and 14-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1 and 14 each recites, “the movable machine comprises a second processor and second memory”. However, the specification does not describe for example the movable machine (i.e. the tank) having two processors, since the term “a second processor” as recited in the above claim implies additional processor besides the first processor.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton 5,888,135.

Regarding claim 10, Barton teaches the following claimed limitations, a movable machine for a game moved by a control signal with first identification information transmitted from a transmitter, when the first identification information transmitted with the control signal is coincident with first identification information associated with the movable machine (FIG 1, label 12 and col.11, lines 14-22), the movable machine comprising a processor and memory (FIG 4, label 122) operable to access a storage device storing characteristic information including second identification information uniquely specifying the movable machine and including the first identification information (FIG 4, labels 124/126), receive the second identification information and the first identification information from the transmitter before receiving the control signal with the first identification information from the transmitter (col.5, lines 53-65 and col.6, lines 9-20), determine whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, depending on whether the received second identification information and received first identification information is coincident with the second identification information and the first identification information stored in the storage device (see col.10, lines 7-18) and prohibit control of the movable machine by the control signal, after determining that the remote control is not allowed, even if the control signal transmitted with the first identification information

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coincident with the first identification information associated with the movable machine is received (col.10, lines 12-16).

Note that regarding storing the second identification information and the second identification information in the movable machine's storage device, one of ordinary skill in the art at the time of the invention was made would readily recognize the fact from the teaching of Barton that the second identification information and the first identification information of the vehicle is stored in the vehicle's memory, and the vehicle would respond to a transmitter that transmits a signal having this second identification information and first identification information. For example the line, "The microcontroller 122 causes the vehicle 12 to operate in the inactive but powered state when **the address of the vehicle 12 has been entered into the random access memory 126** . . . When the vehicle 12 receives **this address** from an individual **one of the pads 42a-42d, it operates** in accordance with **commands received from such individual one** (e.g. the pad 42b) of the **pads**." (col.14, lines 59-67 and col.15, lines 1-2). Here the commands received by the vehicle correspond to the *second identification information*. The reference also teaches that the vehicle stores the *second identification information* in its memory (col.10, lines 12-16).

Regarding claim 12, Barton further teaches, a discrimination device determines whether the remote control conducted by the transmitter that has transmitted the second identification information is allowed, on the basis of information based on the characteristic information stored in the storage device and the received second

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identification information and first identification information (col.10, lines 11-16 and col.11, lines 15-22).

- Claims 1-3, 5-9, 13-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton 5,888,135 in view of Nishiyama 2003/0060287.

Regarding claim 1, Barton teaches the following claimed limitations, a remote control system for a game system comprising a transmitter transmitting a control signal with first identification information (FIG 1, label 64 and col.5, lines 53-65); and a movable machine remote-controlled on the basis of game operation data of the control signal transmitted from the transmitter when the first identification information transmitted with the control signal is coincident with first identification information associated with the movable machine (FIG 1, label 12 and col.11, lines 14-22), a recording medium having first characteristic movable machine information providing rules for controlling the movable machine associated with the movable machine recorded thereon, the first characteristic movable information including second identification information uniquely specifying the movable machine (FIG 3, label 96/98, col.6, lines 9-21 and col.8, lines 30-38), the transmitter comprises a first processor and first memory (FIG 2, label 76) operable to recognize the first characteristic movable machine information concerning the movable machine to be controlled, recorded on the recording medium (col.8, lines 59-67), transmit the second identification information obtained from the recognized first characteristic movable machine information with the first identification information before starting to transmit the control signal with the first identification information (col.8, lines 30-58), and the movable machine comprises a

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second processor and second memory (FIG 4, labels 122) access a storage device storing second characteristic movable machine information including the second identification information uniquely associated with the movable machine and including the first identification information (col.10, lines 6-18 and FIG 4, labels 124/126), receive the second identification information transmitted by the transmitter with the first identification information (col.11, lines 14-22), determine whether remote control conducted by the transmitter that has transmitted the second identification information is allowed depending on whether the received second identification information and first identification information are coincident with the second identification information and first identification information stored in the storage device (col.6, lines 9-20 and col.10, lines 6-18, and also lines 51-67), and prohibit control of the movable machine by the control signal after determining that the remote control is not allowed, even if the control signal with the first identification information coincident with the firm identification information associated with the movable machine is received (col.10, lines 6-18).

However, Barton does not explicitly disclose the remote control system having a recording medium existing independently of the transmitter and the movable machine.

Nishiyama discloses a game machine and a game system invention that teaches, a remote control system having a recording medium existing independently of the transmitter and the movable machine (FIG 4, labels 1 and 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Barton in view of Nishiyama by incorporating a detachable cartridge to the remote control in order to allow players to

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insert different game cartridges that have different game programs so that one can use the same system for multiple different types of games without the need to change the system.

Regarding claim 2, Barton in view of Nishiyama teaches the claimed limitations as discussed above.

Nishiyama further teaches, the recording medium is detachably attached to the transmitter (Para.0083, lines 1-5).

Therefore, for the same reason stated above, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Barton in view of Nishiyama by incorporating a detachable cartridge to the remote control in order to allow players to insert different game cartridges that have different game programs so that one can use the same system for multiple different types of games without the need to change the system.

Barton in view of Nishiyama teaches the claimed limitations as discussed above. Barton further teaches,

Regarding claim 3, writing into the recording medium is not conducted by users (FIG 3, label 96),

Regarding claim 5, the movable machine comprises a remote control enabling device enabling the movable machine to be remote-controlled on the basis of the first identification information after the discrimination device has judged the remote control to be allowed (col.10, lines 51-67),



Regarding claim 6, the movable machine comprises a discriminant determining whether the movable machine should operate on the basis of the control signal, and the remote control enabling device enables the remote control on the basis of the first identification information, by controlling the discriminant (col.10, lines 19-30),

Regarding claim 7, a transmitter excluding device disabling the remote control conducted by another transmitter except for the transmitter enabled first by the discrimination device, even if the other transmitter is the transmitter to control the movable machine on the basis of the first identification information (col.11, lines 14-22),

Regarding claim 8, the transmitter excluding device disables the remote control conducted by the other transmitter, by using information based on transmission timing of the control signal transmitted by the transmitter (col.11, lines 14-22),

Regarding claim 9, the first characteristic movable information comprises information concerning control laws characteristic to the movable machine associated with the first characteristic movable machine information, and the transmitter comprises a control signal transmission device creating a control signal based on the control laws and transmitting the created control signal (col.6, lines 9-21).

Regarding claim 13, Barton teaches the following claimed limitations, a transmitter for a game system transmitting a control signal with first identification information to remote-control a movable machine combined as a control object with the transmitter on the basis of first identification information (FIG 1, labels 64 and 12 and col.5, lines 53-65), the transmitter comprising a processor and a memory (see FIG 2, label 76) recognize characteristic movable machine information recorded on a recording

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medium, the characteristic movable machine information including second identification information uniquely specifying the movable machine (see FIG 3, label 96/98 and col.8, lines 30-37), transmit the second identification information obtained by the recognized characteristic movable machine information with the first identification information before starting to transmit the control signal with the first identification information (see FIG 3, label 68 and col.8, lines 30-58).

However, Barton does not teach, the recording medium existing independently of the transmitter and the movable machine.

Nishiyama teaches, a recording medium existing independently of the transmitter and the movable machine (FIG 4, labels 1 and 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Barton in view of Nishiyama by incorporating a detachable cartridge to the remote control in order to allow players to insert different game cartridges that have different game programs so that one can use the same system for multiple different types of games without the need to change the system.

Regarding claim 14, Barton teaches the following claimed limitations, a remote control system for a game system comprising a transmitter transmitting a control signal with transmitter identification information, a movable machine remote-controlled by game operation data of the control signal when the transmitter identification information therewith is coincident with first identification information associated with the movable machine (FIG 1, labels 64 and 12 and col.5, lines 53-65), and a recording medium

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having first characteristic movable machine information providing rules for controlling the movable machine recorded thereon, the first characteristic movable machine information including movable machine specification information specifying the movable machine (FIG 2, labels 96/98 and col.8, lines 30-38), the transmitter comprises a first processor and a first memory (FIG 2, label 76) operable to recognize the first characteristic movable machine information associated with the movable machine to be controlled (col.8, lines 59-67), transmit, before starting to transmit the control signal with the transmitter identification information, movable machine specification information obtained from the recognized first characteristic movable machine information with the transmitter information before starting to transmit the control signal with the transmitter identification information (col.8, lines 30-58) and the movable machine comprises a second processor and a second memory (FIG 4, label 122) operable to store second characteristic movable machine information including the movable machine specification information uniquely specifying the movable machine (see e.g. FIG 4, labels 124/126), determine whether remote control conducted by the transmitter that has transmitted the movable machine specification information is allowed depending on whether the received movable machine specification information is coincident with the movable machine specification information stored in the storage device (see col.10, lines 19-30 and col.14, lines 59-67); prohibit control of the movable machine by the control signal after determining that the remote control is not allowed, even if the control signal with the transmitter identification information coincident with the identification information associated with the movable machine is received (col.10, lines 6-18).

However, Barton does not teach, the recording medium existing independently of the transmitter and the movable machine.

Nishiyama discloses a game machine and a game system invention that teaches, a remote control system having a recording medium existing independently of the transmitter and the movable machine (FIG 4, labels 1 and 20).

Therefore here also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Barton in view of Nishiyama by incorporating a detachable cartridge to the remote control in order to allow players to insert different game cartridges that have different game programs so that one can use the same system for multiple different types of games without the need to change the system.

Regarding claim 15, Barton in view of Nishiyama teaches the claimed limitations as discussed above.

Nishiyama further teaches, the recording medium is detachably attached to the transmitter (Para.0083, lines 1-5).

Therefore as already stated above, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Barton in view of Nishiyama by incorporating a detachable cartridge to the remote control in order to allow players to insert different game cartridges that have different game programs so that one can use the same system for multiple different types of games without the need to change the system.

Regarding claim 16, Barton in view of Nishiyama teaches the claimed limitations as discussed above.

Barton further teaches, the characteristic information comprises information concerning control laws characteristic to the movable machine associated with the characteristic information, and the transmitter comprises a control signal transmission device for creating the control signal based on the control laws and transmitting the created control signal (col.5, lines 53-65 and col.6, lines 9-21).

Regarding claim 20, Barton teaches the following claimed limitations, a transmitter for a game system transmitting a control signal with a transmitter identification information to remote-control a movable machine (FIG 1, label 64 and col.5, lines 53-65), the transmitter comprising a processor and memory (FIG 2, label 76) operable to recognize characteristic movable machine information recorded on a recording medium, the characteristic movable machine information including second identification information uniquely specifying the movable machine (FIG 3, labels 96/98 and col.8, lines 11-17), and transmit, before starting to transmit the control signal with the transmitter identification information, the movable machine specification information obtained by the recognized characteristic information (see col.8, lines 30-58, col.10, lines 11-17 and lines 61-67).

Barton does not teach, the recording medium existing independently of the transmitter and movable machine.

Nishiyama teaches, a recording medium existing independently of the transmitter and the movable machine (FIG 4, labels 1 and 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Barton in view of Nishiyama by incorporating a detachable cartridge to the remote control in order to allow players to insert different game cartridges that have different game programs so that one can use the same system for multiple different types of games without the need to change the system.

***Response to Arguments.***

4. Applicant's arguments filed on 02/01/2010 have been fully considered but they are not persuasive. In the remarks, Applicant argues that,

(1) In contrast to Applicant's invention as claimed in amended independent claim 1, the key 150 (and its associated address) described in Barton's system is not uniquely associated with a particular vehicle. Rather, it can be applied to any vehicle having a corresponding key slot. This deficiency in Barton is not overcome with the addition of Nishiyama . . . Moreover, and in sharp contrast to Applicant's claimed invention, Barton does not teach that the movable machine verifies both the key 150 and another identifier (for example, a pad address) before permitting the vehicle 12 to be controlled by a control signal including game operation data and the other identifier (i.e., the pad address). . .

- In response to argument (1), the Examiner respectfully disagrees. First of all, as long as different key sequences (patterns) are selected for the different vehicles when mounting the keys on each vehicle (see col.13, lines 48-57), then each key sequence is uniquely associated with one particular vehicle. That means, no two or more vehicles

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would have identical key patterns, thereby making each vehicle to have its own unique identification code. Therefore, Applicant's assumption that "*the key 150 (and its associated address) is not uniquely associated with a particular vehicle*" is NOT persuasive at all. Barton's invention does not have to implement differently shaped (or differently colored) keys for the different vehicles in order to uniquely associate each key with each vehicle.

Secondly, it is not possible for a given transmitter to force a particular vehicle (i.e. a vehicle being controlled by the transmitter) to operate or perform more than its capacity. For example, if a particular vehicle is designed to have a maximum speed of 20m/s, even if the transmitter sends a control signal commanding the vehicle to operate more than its maximum speed (e.g. at a speed of 30m/s), either the vehicle would not recognize the command (since such speed is not specified in the vehicle's computer), or the vehicle would not operate at such high speed since it does not have the capacity (or means) to operate at that speed due to its design limitation. Therefore, it is not persuasive to argue that the prior art system hinder a fair game by allowing a transmitter that does not have performance information corresponding to a particular vehicle, to control that particular vehicle.

Thirdly, it is unclear from the above argument how the current invention prevents the possibility of unfair game if a high performance movable machine is involved. For example, according to Applicant's current invention, the transmitter gets the performance information regarding the particular vehicle from the detachable recording medium (e.g. page 10, lines 14-27 of Applicant's specification). That means, if the

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recording medium is containing performance information regarding a high performance movable machine, then the transmitter that holds this recording medium is capable of controlling this high performance movable machine (since its ID matches with the vehicle, and it is sending commands based on the information contained in the recording medium). However, such operation does not prevent the condition of unfair game if another transmitter is controlling a low performance movable machine. Therefore, even if Applicant indicated that the current invention prevents such unfair game, that does not appear to be the case in the current invention for the reason (example) discussed above.

Nevertheless, the prior art system teaches that Barton's system discriminates a given transmitter from controlling a particular vehicle when that particular vehicle is being controlled by another transmitter.

For example the line, "The microcontroller 122 causes the vehicle 12 to operate in the inactive but powered state when the address of the vehicle 12 has been entered into the random access memory 126 as a result of the disposition of the key 150d in the socket 154. In the **inactive but powered state, the vehicle 12 is capable of receiving from any of the pads 42a, 42b, 42c and 42d** the address entered into the random access memory 126. When **the vehicle 12 receives this address from an individual one of the pads 42a-42d, it operates in accordance with commands received from such individual one** (e.g. the pad 42b) of the pads. The light emitting diode 170 is continuously illuminated in accordance with instructions from the microcontroller 122 during the time that the individual one of the pads 42a-42d (e.g. the pad 42b) is



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operating the vehicle. This illumination is visible to the users of all of the pads 42a-42d because of the diffusion of the light from the light emitting diode 170 through the light conducting plastic 172. It indicates to all of the users that **the vehicle 12 is being commanded by one of the pads** (e.g. the pad 42b) **and is not available** to be operated by **any of the other pads**" (col.14, lines 59-67 and col.15, lines 1-12) indicates the above fact. According to this teaching, for example if pad 42b selects vehicle 12 and already starts controlling this vehicle, the other pads (42a, 42c and 42d) are not able to interact with this vehicle even if these pads attempt to select the corresponding address. That means, vehicle 12 does not accept or recognize signals transmitted from the other pads (transmitters) until pad 42b stops controlling vehicle 12 for a certain period of time. This is clearly a discrimination operation (allowing only one particular transmitter to control a particular vehicle).

Applicant also argued that *"in sharp contrast to Applicant's claimed invention, Barton does not teach that the movable machine verifies both the key 150 and another identifier (for example, a pad address) before permitting the vehicle 12 to be controlled"*. As already explained above, when a particular pad selects a particular vehicle, the vehicle that is selected recognizes the pad that is sending its address since only one pad is able to control the selected vehicle for a certain period (see the above discussion for detail). Therefore, the vehicle checks if its address is selected by the transmitter and becomes in active state. Note that when powered but inactive state, the vehicle may be selected by any of the pads; but once a particular pad selects the vehicle, the vehicle recognizes signals from that particular pad only (col.15, lines 3-12).

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The reference further teaches that according to Barton's system, the vehicle stores information regarding its operating conditions, and when the information contained in the transmitted signal (from the transmitter) coincides with this stored information, the vehicle operates according to the commands of the transmitter. For instance the line "The microcontroller 122 includes a read only memory (ROM) 124 and a random access memory (RAM) 126. As with the memories in the pad 42a and the central station 64, the read only memory 124 may store permanent information and the random access memory 126 may store volatile (or impermanent) information. For example, **the read only memory 124 may store information indicating the sequence of the successive bits of information in each packet for controlling the operation of the motors 28, 30, 32 and 33 in the vehicle 12**" (col.10, lines 6-16) describes the above fact. Thus, according to this teaching, if the sequence of the successive bits transmitted from the transmitter to operate the vehicle does not coincide with the stored sequence of bits stored in the vehicle (related to the operating condition of the vehicle), then the vehicle would not operate. From this brief analysis, it is very clear that the vehicle (movable machine) disclosed by Barton checks at least two types of information before being controlled by a particular pad (i.e. transmitter).

Moreover, according to the current disclosure, the movable machine checks the status of two types of identification information contained in the transmitted data; and these are:-

- (1) ***first identification information***, which is the **ID number** of the transmitter and the movable machine (see Page 14, lines 6-23 of Applicant's specification), and
- (2) ***second identification information***, which is **information characteristics** of the movable machine such as vehicle ID number, shell number information, charging time information, maximum velocity information, etc. (see page 17, lines 1-16 of Applicant's specification).

That means, the *second identification information* is NOT LIMITED to the vehicle ID number only (unlike what Applicant is attempting to indicate in the above argument), but any information characteristics of the movable machine related to the operation control of the movable machine.

Thus, during the data transmission, the vehicle checks if the *first identification information* (i.e. the ID number) and the *second identification information* (i.e. the information characteristic of the movable machine) in the received signal coincide with the corresponding information stored in the vehicle's memory. When there is a match, then it operates according to the transmitter's command; however, if there is no match between any of the transmitted identification information and the corresponding stored identification information, then the movable machine does not operate according to the transmitter's command. For example, if the transmitted ID number (first identification information) matches with the stored ID number, but the **vehicle ID number** (second identification information) doesn't match with the stored vehicle ID number, then the movable machine would not operate. Similarly, if the transmitted ID number (first

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identification information) matches with the stored ID number, but the **maximum velocity information** (second identification information) doesn't match with the stored maximum velocity information, then the movable machine would not operate.

Barton's system is also similar to the above claimed feature. For instance, when a given pad (i.e. a transmitter) transmits the **address** of a particular vehicle (i.e. *first identification information* which corresponds to the recited ID number) and the **sequence of bits needed to operate the vehicle** (i.e. *second identification information*), the vehicle would operate according to the command of the pad (i.e. the transmitter). Thus, if the transmitted *first identification information* (the address) and the *second identification information* (sequence of bits needed to operate the vehicle) coincide with the corresponding stored information in the vehicle's memory, then the vehicle would operate according to the command transmitted by the given pad; however, if any of the transmitted information does not coincide with the corresponding stored information, the vehicle would not operate according to the command of the pad (e.g. see col.8, lines 30-44 and col.10, lines 6-17).

Therefore, the Examiner concludes that Applicant's currently presented claimed i have already been taught or suggested by the prior art.

### **Conclusion**

Applicant's amendment necessitated the new grounds of rejection presented in this final office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571) 270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI XUAN can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bruk A Gebremichael/  
Examiner, Art Unit 3715

/Cameron Saadat/  
Primary Examiner, Art Unit 3715